

COUNCIL MINUTES
JANUARY 17, 2014

The City Council held a meeting on Friday, January 17th, 2014, at 11:00 a.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Maile Wison; Council Members: Ron Adams; Fred Rowley; John Black; Don Marchant.

EXCUSED: Council Member Paul Cozzens.

STAFF PRESENT: City Manager Rick Holman; City Attorney Paul Bittmenn; City Engineer Kit Wareham; Finance Director Jason Norris; Chief Building Inspector Larry Palmer; Police Chief Robert D. Allinson; Public Works Director Ryan Marshall, Lieutenant Darin Adams; Leisure Services Director Dan Rodgerson; Library Director Steve Decker; Executive Secretary Barbara Barrick,

OTHERS PRESENT: Senator Evan Vickers, Wesley Graham.

CALL TO ORDER: Mayor Wilson called the meeting to order at 11:05 a.m.

LEGISLATIVE UPDATE:

Senator Vickers – I am going to speak about some of the legislation that will affect our area. I will begin with the overall budget. On a statewide basis, this has been improving slightly. We will have a little bit of a surplus, but it is limited and a big chunk of that is one-time money. In this area, there is more money in the education one-time amounts than in the general fund. The top priority is SWATC and it has been on the docket to be billed for four years. When the economy went south, it was put off. Last year it was recommended to be funded along with the crime lab and other projects. In the past the building board makes recommendations and since it has been a little bit political at times, so it has been restructured to be more analytical. Now the building board has recommended that SWATC be placed here as number two on the list. It would be built out of the one-time education funds. It wasn't included in the Governor's budget. But it is well positioned going into committee. This year we are taking a little bit different look at the budget. Now we pass a base budget the first week. It is usually last year's budget. If we can't come to an agreement later, at least we have a base. This year we will spend the first week in appropriation committees digging into last year's budget, looking for funds that can be reallocated. This year's base budget won't be a rubber stamp of last years. After this budget is passed we will look at buildings.

John has requested funds for the Summer Games from the appropriations committee. It was a priority last year but was not high enough to be funded. This year he will make a request for the entire amount and if it's not successful, then he will request a partial amount.

Prairie Dogs: We need funds to dust them for plague, and we need to get the populations in the right areas so they can be de-listed. We plan to request funds to help with dusting and with Golf Course mitigation. We plan on asking for \$150,000 for this. Regarding the fence, the City plans to work with the County. We possibly can get funds from the State and from Fish and Wildlife. We may also need private money and may have a golf tournament fundraiser for this in the spring. Hopefully with all this can find a solution.

Receiving Centers for Juveniles: This is proposed to be funded one time. It will be about \$390,000 this year, which is a little less than last year. Blanding, St. George, and Cedar City have all been funded one time. It's been suggested that we go to these communities and ask for additional funding. We are looking at that. It appears these Receiving Centers are very valuable and Cedar City's processes more kids than the other two.

Wildland Fires: I was assigned to the Wildland Fires Committee. Most of us think of wildland fire as trees, wildlife, and cabins being burned, but we need to recognize their impact on communities. If a watershed is damaged, etc., there can be a huge impact on the local community. We want to use funds for wildland fire mitigation. This would identify the critical areas, and what to do to minimize the damage. The Governor has put aside four million to accomplish this. The idea is that if we spend that amount in funding each year, we can reduce the amount the state spends on fighting fires. There is a policy side of that issue. The counties pay money into that fund. Cities and towns do not, and it has created confusion and angst. If there is a fire on the border of a community, it causes problems because the local Fire Department may ready to put out the fire, but is not sure they have the authority. Or there have been times when someone orders a tanker, then sends the bill to City, as happened recently to LaVerkin. Don – Is this an effective means of spending our money? Evan – It is very effective. Brian Cottam is the new State Forester. I spoke to him and he has identified projects to utilize the four million to begin the process. This would include thinning the trees from the ground.

Local Option Gas Tax: We have done a good job taking care of I-15. But the rural roads are deteriorating and there are not a lot of funds to fix them. The tax has not been raised in a long time, and the thought of raising taxes is very unpopular. The counties got behind this and want the authority to raise taxes locally. The state gives counties the option to raise the local option gas tax. This is one of the proposals out there. The Transportation Committee is looking at a two year project to see what is best. There will be a lot of discussion, but it probably won't come to a vote this year. Fred – I am concerned that historically, if something receives a revenue source, other funds tend to disappear. Will that happen with this as well? Evan – That is not the intention. This tax will be 3% at the pump, so it will be a finite amount. There's been all sorts of discussion on this. I suspect that nothing will come out of this in this session. Are there any issues than anyone wants to comment on?

Chief A. – HB 225 is being presented by Rep. Ray. This bill proposes that the County Sheriff become the primary officer for each county. I don't know what is driving that. The Utah Chiefs of Police Association will oppose this. We all work together anyway and meet monthly to coordinate between Police Departments and the Sheriff's

Department. I don't see a need for this. I believe everyone would want local law enforcement to manage local affairs. Another issue that is coming up at the legislature is warrants. There is \$600,000,000 in uncollected funds that the state would like to recoup. Law enforcement has a problem with the fact that sometimes local officers will pick up the person on the warrant and then the local jail houses the prisoner, but sometimes the arresting agency won't come and pick the prisoner up, so the local entity has to absorb the cost. This bill will add additional fees to put back into law enforcement to help recoup this.

Another bill is regarding open-carry and disorderly conduct. I'm not sure if it's been filed yet. It doesn't affect City Council, but will affect law enforcement. When people open-carry in a public place, it creates a disturbance and people become alarmed. The person carrying may be arrested for disorderly conduct. It happens fairly often. This happened at our high school recently and it created a concern. We are trying to address this. Our concern is it that the bill is not so restrictive that it puts police in a litigation situation. It is different in rural Utah than on State Street in Salt Lake City. But if someone walks into our Wal-mart, it becomes an issue. Evan – I don't know if this bill will be filed again this year or not.

Fred – The no-discrimination bill for sexual preference concerns me. This could help institute lawsuits. Evan – Senator Urquhart has been involved in that and in the medical marijuana issue. Both are very high profile. Last year the sexual preference issue went to committee, but was not heard on the floor of the Senate. We will be working on it this year. I share your concerns. Medical marijuana is interesting. There is a cannabinoid with no THC in the product and it has positive effects for kids with seizures. We want to make that type legal for that segment of the population. The challenge is that it's not an FDA product. Some are. They are all produced from the same plant as marijuana. The challenge from a policy standpoint is how to get a product that is consistent with how a physician can dose, and that is only allowed to a certain segment of patients, and how to prevent that product from becoming a gateway something else. There are more and more people all the time jumping on the medical marijuana bandwagon. I recently sat by a legislator from Colorado and she said don't allow marijuana to be legalized. She said the social pressures, the crime, and other aspects are immense. There was a poll in the Tribune today which shows that the population is split on this issue. Most are against legalizing, but the population is split on the medical marijuana issue. You should look at the breakdown, it is interesting. In our area 70 to 80 percent are against.

Ryan – The BLM is upgrading to larger tankers and our runway isn't long enough for them. We may have to expand to keep that service located here. The alternative for the tankers is New Mexico, which is not a central location. Don – We would have to extend the runway 376 feet.

Paul B – There is a business licensing bill proposed which states that if a business is run out of a home and the earnings are \$250,000 or less, cities can't license them. Fred – The business is not allowed? Paul B – They don't have to ask for permission to operate and we can't regulate them. I'll email it to you.

Steve – In 2011 the Library enhancement fund was cut by over \$200,000. It is proposed to increase it by \$62,000 and will need a shepherd to make sure it stays there. We need these funds to keep up with technology. Please keep an eye on that.

Fred – Jim Johnson would like to make a pre-K to 16 STEM Center. Evan – There is a concern there is not enough oversight on those funds.

Bob A – They are also looking at a bill about litigation for officers on pursuits.

Evan – A couple of things are coming up. Every year we do a pre-session survey and I send a post card to all voters to fill out. But I'm not sure if that will happen this year. There was a change of party directors and so I'm not sure it will go out. Some of the questions we were asking were:

The use of taxpayer money to build a convention hotel in Salt Lake City. This passed narrowly in the Senate and was defeated in the House. What's your opinion?

Fred – This is a Salt Lake thing. Don – Public money funding for a private industry can be an itchy question. Evan – The argument for it is that it will bring in money; the argument against is what will it do to existing convention centers. This would be taxpayer money going into a convention center. Fred – Do the funds come down here? Evan – Cedar won't directly get any money from this.

Evan – There is also a suggestion to raise the age for cigarette purchase from 19 to 21. We'll be only state to do that. Don – What about enforcement? Evan – It makes Utah funky, with different liquor and different tobacco laws. I'm all for including things to improve health. But the people are damaging themselves with smoking. With alcohol you can damage other people. When does someone become an adult and be responsible for their own actions? I voted against this.

Fred – What will become of John Swallow? Evan – They are suspending the House investigation. The issue will still be investigated by the Salt Lake County Attorney and by Davis County. There may or may not be criminal charges. There is also discussion whether the Attorney General should be an appointed or stay an elected position. It is being proposed as an amendment on the ballot. I'm almost always in favor of people voting, and I hate to see that taken away from the public. This has become a big money thing, which makes it an opportunity for corruption. But I still have a hard time making this an appointed position.

Evan – Some issues on pay day lenders may come up this year. Utah needs to decide whether to expand Medicare. This is part of Obama Care. Most of the Medicare recipients in Utah are single adults over 30, with expensive mental health issues.

Mayor Wilson – What about same sex marriage? Evan – Jacob Anderegg is proposing a bill asking that if the clergy oppose the concept of gay marriage, they would not forced to

perform one and could opt out. There will be lots of discussion. Do the citizens support spending two to five million to oppose the federal ruling on this issue?

Evan – I appreciate the opportunity to stay connected to the local officials. I feel an obligation to stay connected and to understand your needs and what is going on. Please contact me with any issues or concerns.

Rick –I encourage staff that if you hear things from your associations, be sure to get it to Evan. Some legislation is Wasatch Front problem-driven. We need to all keep informing him of things that affect rural areas.

Evan – We have a budget proposal from the Board of Regents of SUU. We are looking at equity funding, which is another name for growth funding. SUU has opted for quality and consistency and would be hurt on that budget, so it is a concern. Senator Urquhart has done a lot of research. We've got to get the point that we are measuring the students graduating from a university, and not the students that are going in.

There are also five nominees for a judicial appointment here and two are from Cedar City. The last four appointees have not been from Iron County. I asked for someone local. The judges come here and then leave. I talked to John Pike about this. He is the chair and he supports local candidates, of course on their own merits. I also spoke with the General Counsel to the Governor yesterday.

Fred – I appreciate you coming to our meeting with UDOT the other day and supporting us. Evan –I was glad to come and have been in touch with them.

Chief A. – Public comments will be taken on the judge appointment until the 28th. I'll email all of you the address.

ADJOURN: Councilmember Don Marchant moved to adjourn at 12:04 p.m.; second by Councilmember Fred Rowley; vote unanimous to adjourn.


Barbara Barrick
Executive Assistant

